

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

4:30pm
Thomson
Deputy Clerk

FRANTZY MERISIER and CLERNIDE N. MERISIER,

Plaintiffs,

v.

JOSHUA ELLENDER and GREGORY MARTELL,

Defendants.

CIVIL ACTION

NO. 14-13445-JGD

JURY VERDICT FORM

A. Claims for Violations of Civil Rights Under Section 1983

Warrantless Entry

1. (a) Did Officers Joshua Ellender and Gregory Martell have probable cause to place Mr. Merisier into protective custody?

Yes ✓ No

Go to part (b).

- (b) Did Officers Joshua Ellender and Gregory Martell have consent to enter the Merisiers' apartment?

Yes ✓ No

Go to question 2.

Excessive Force¹

2. Did Officers Joshua Ellender and/or Gregory Martell deprive Frantzy Merisier of his Fourth Amendment rights by using excessive force against him?

Joshua Ellender: Yes _____ No ✓

Gregory Martell: Yes _____ No ✓

If you answered "no" to both subparts of question 1, go to question 3. If you answered "yes" to question 2 with respect to one or both defendants, go to question 3. Otherwise, go to question 7.

Compensatory Damages

3. State the amount of compensatory damages, if any, that you award to Frantzy and/or Clernide N. Merisier to fully and fairly compensate them for the harm proximately caused by the violation of their Fourth Amendment right(s)?

Frantzy Merisier \$ _____
Amount in numbers

Amount in words

Clernide Merisier \$ _____
Amount in numbers

Amount in words

Go to question 4.

¹ Your verdict regarding Mr. Merisier's claims for excessive force under Section 1983 will be applied to the plaintiff's state law claims against the defendants for assault and battery.

Prejudgment Interest

4. Should prejudgment interest be awarded on the compensatory damages?

Yes _____ No _____

Go to question 5.

Punitive Damages

5. Do you find that either or both of the defendants' conduct toward one or both of the plaintiffs was malicious, wanton or oppressive?

For Frantzy Merisier:

Joshua Ellender: Yes _____ No _____

Gregory Martell: Yes _____ No _____

For Clernide Merisier:

Joshua Ellender: Yes _____ No _____

Gregory Martell: Yes _____ No _____

If you answered "yes" to question 5 with respect to one or both defendants, go to question 6. Otherwise, go to question 7.

6. State the amount of punitive damages, if any, that you award to the plaintiffs

For Frantzy Merisier against:

(a) Joshua Ellender:

\$ _____

Amount in numbers

Amount in words

(b) Gregory Martell:

\$ _____

Amount in numbers

Amount in words

For Clernide Merisier against:

(a) Joshua Ellender:

\$ _____

Amount in numbers

Amount in words

(b) Gregory Martell:

\$ _____

Amount in numbers

Amount in words

Go to question 7.

B. State Law Claims

False Imprisonment

7. Did the defendants violate Frantzy Merisier's rights under Massachusetts law by subjecting him to false imprisonment?

Joshua Ellender: Yes _____ No ✓

Gregory Martell: Yes _____ No ✓

If you answered "yes" to question 7 with respect to one or both defendants, go to question 8. Otherwise, go to question 9.

8. State the amount of compensatory damages, if any, that you award to Frantzy Merisier to fully and fairly compensate him for the harm proximately caused by the defendants' conduct, to the extent such damages have not already been awarded above.

\$ _____

Amount in numbers

Amount in words

Go to question 9.

Intentional Infliction of Emotional Distress

9. Did the defendants violate Frantzy Merisier's rights under Massachusetts law by intentionally or recklessly causing infliction of emotional distress?

Joshua Ellender: Yes _____ No ✓

Gregory Martell: Yes _____ No ✓

If you answered "yes" to question 9 with respect to one or both defendants, go to question 10. Otherwise, go to question 11.

10. State the amount of compensatory damages, if any, that you award to Frantzy Merisier to fully and fairly compensate him for the harm proximately caused by the defendants' conduct, to the extent such damages have not already been awarded above.

\$ _____

Amount in numbers

Amount in words

Go to question 11.

11. Did the defendants violate Clernide N. Merisier's rights under Massachusetts law by intentionally or recklessly causing infliction of emotional distress?

Joshua Ellender: Yes _____ No ✓

Gregory Martell: Yes _____ No ✓

If you answered "yes" to question 11 with respect to one or both defendants, go to question 12. If you answered "no" with respect to both defendants, you have reached a verdict. Please sign and date this Jury Verdict Form and advise the court officer that you have reached a verdict.

12. State the amount of compensatory damages, if any, that you award to Clernide N. Merisier to fully and fairly compensate her for the harm proximately caused by the defendants' conduct, to the extent such damages have not already been awarded above.

\$ _____
Amount in numbers

Amount in words

When you have completed this Jury Verdict Form in accordance with the directions set forth above, sign and date the form and notify the court security officer that you have reached a verdict.

I HEREBY CERTIFY THAT EACH OF THE QUESTIONS ANSWERED ABOVE WAS ANSWERED BY ALL OF THE JURORS.

Date: 6/1/17

Roger Spingarn
Foreperson of the Jury